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New Jersey.

Prison Inquiry Comm.

Preliminary report of the
Prison Inquiry Commission

Trenton, N.J.

1917

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Preliminary Report

OF THE

Prison Inquiry Commission

TO

Governor Walter E. Edge

AND

The 141st Session of the New Jersey Legislature

Trenton, N. J., February 12th

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PRELIMINARY REPORT

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REPORT.

STATE HOUSE, TRENTON, N. J., February 5, 1917.

To His Excellency, Walter E. Edge, Governor of New Jersey:

SIR—On January 22, 1917, the Honorable Senate and General Assembly of the State of New Jersey adopted Joint Resolution No. 1, empowering you to appoint a Commission of five persons, and providing that they

"separately, or in conjunction with the Governor, shall investigate into the conditions of the penal, reformatory and correctional institutions of this State, and also into what is known as the 'State Use System' and the employment of prisoners on roads, prison farms or in other capacities. The term 'penal, reformatory and correctional institutions of this State' shall not include any of the State hospitals, tuberculosis sanatoriums, home for feeble-minded women or any other charitable institution of this State, but it shall apply solely to those which are penal and correctional in their nature. The Commission shall report to the present session of the Legislature the result of its research, and with such recommendations as it may deem advisable."

Pursuant to said Joint Resolution No. 1, on January 26th you appointed the undersigned to serve as members of the New Jersey Prison Inquiry Commission. The Commission has the honor to present herewith to you, and through you to the Honorable Senate and House of Assembly, the following preliminary report:

The Commission met with the Governor at the State House on Saturday, January 27th, at 10:30 o'clock in the forenoon, and immediately organized by the selection of William B. Dickson as Chairman, and the appointment of Nelson B. Gaskill as counsel. In the interest of economy, the Governor offered the services of one of his secretaries, Mr. Richard A. Porter, to act as Secretary of the Commission.

PRISON INQUIRY COMMISSION.

The Commission understands that the penal, reformatory and correctional institutions, referred to in the said Joint Resolution include the following, to wit:

New Jersey State Prison, involving State Prison at Trenton, the Prison Farm at Leesburg, and the various road camps;

State Reformatory, Rahway;

State Home for Girls, Trenton;

Reformatory for Women, Clinton;

State Home for Boys, Jamesburg.

Immediately after organization, all the members of the Commission, accompanied by the Governor, visited the State Prison at Trenton, spending most of the remainder of the day in an inspection thereof and in questioning some of the officials of the prison and some of the prisoners.

On Wednesday, January 31st, the Commission held a public hearing in the State House at Trenton at which the Governor was present. At this hearing the following witnesses were sworn and examined:

Morning session: Jacob Shurts, John F. Clark.

Afternoon session: Walter M. Dear, Cook Conkling, Charles F. Stevens, Alfred K. Gaskill, Dr. Jacob G. Lipman, Edward E. Reed.

Evening session: Richard P. Hughes, Dr. Martin W. Reddan, Joseph P. McCormack, Dr. Josiah W. Crane.

On Friday, February 2d, the Commission held another public hearing at the State House in Trenton, at which the Governor was also present, and at which the following witnesses were sworn and examined:

Morning session: Patrick Quinlan, Frederick Boyd, George Drew.

Afternoon session: John J. Nevin, J. H. Sutton, W. S. Rendell, D. M. Sawyer, Dr. Frank Moore, Dr. Henry A. Cotton, E. R. Johnstone, C. L. Stonaker, Dr. Henry H. Goddard, Alvah L. Alpaugh.

In addition to the public hearings, the Commission has made such examination as the time would permit of the recent official reports of these several institutions and of the Department of Charities and Corrections, relating thereto.

PRISON INQUIRY COMMISSION.

The Commission has as yet had no opportunity of personally inspecting the Prison Farm at Leesburg or any of the three road camps at which State prisoners are used, nor has it made any personal examination of the State Reformatory at Rahway, the State Home for Girls at Trenton, the Reformatory for Women at Clinton, or the State Home for Boys at Jamesburg.

It has seemed to the Commission highly desirable that it should make a preliminary report to the Honorable Senate and House of Assembly at the earliest possible moment to the end that those defects and abuses, which it has been determined do exist in the State Prison at Trenton, and which require the action of the Legislature for their correction, may be presented to the Legislature in time for consideration at the present session.

From the testimony taken at the public hearings, from the reports of the various public officials and from our personal observation, we find the following facts with reference to the State Prison at Trenton:

(1) That when a prisoner is received at the State Prison it is customary to place him in quarantine for fourteen days, during which time he is locked in his cell with no opportunity whatever for physical exercise.

(2) That the medical examination of prisoners and the facilities of the prison are not adequate to secure a proper segregation of those prisoners who have infectious or contagious diseases, nor to determine whether they should properly be detained in the State Prison or transferred elsewhere for special treatment.

(3) That the facilities for physical exercise in the open air are entirely inadequate.

(4) That the law that not more than one prisoner shall be lodged in each cell has not been observed.

(5) That the food served to the prisoners is not satisfactorily cooked and is improperly served to the prisoners in cells and cell corridors; that there is no dining hall or room large enough for the service of meals.

(6) That the facilities for a system of education in the prison, required by law, are entirely inadequate.

(7) That prisoners have at times been punished by lodgment in dungeons and by other methods under intolerable conditions.

(8) That no method has been established by the prison authorities to create a system of grading and rewards based upon conduct or achievement, this absence of substantial benefits making it impossible to administer punishment by the deprivation of benefits.

(9) The law regulating contract labor in the State Prison is violated in that more than one hundred prisoners are assigned to one contract, and the products of prison labor are not marked, as required by law.

(10) That under existing conditions a prisoner committed to the State Prison suffering from tuberculosis, upon a sentence for two years or more, is practically sentenced to death by disease.

(11) That prisoners at the Leesburg Farm and the road camps, by reason of absence from the State Prison, lose their opportunity to appear in person before the parole authority, and are likewise deprived of the privilege of receiving visitors, ordinarily accorded to them at the State Prison.

(12) That by reason of the fact that the Board of Prison Inspectors meet once a month for the consideration of parole applications, and consider in advance only those cases which will fall within the week following the meeting, prisoners whose minimum sentence expires within the next three weeks are compelled to an extension of the minimum sentence up to a period of three weeks, before they have an opportunity to be heard.

Since this report is made in advance of the receipt by the Commission of the results of an investigation made by the State Board of Health into the sanitary and hygienic conditions existing in the State Prison, the Commission makes no comment upon this important matter at this time.

It is hardly possible in this preliminary report to accurately determine the responsibility for conditions, or to appraise with fairness how much is inherent in the present type of prison construction, how much is due to immediate prison management, and how much to divided responsibility in supervision of that management. Obviously, it is important that pending a com-

plete inquiry into the past, such conditions as may be corrected by structural changes in the present prison and improvements in management should be corrected immediately.

We therefore recommend:

First: That there should be an immediate physical and mental examination of all prisoners to the end that a classification may be made showing those who are normal and those who are abnormal or subnormal, and showing also those who are afflicted with a contagious or infectious disease. This examination should be made with modern expert tests to the end that tuberculosis in its incipient stage may be detected and that syphilitic prisoners may be known even though that disease has not reached its aggravated stage. The examination as to mental capacity should be conducted by modern psychiatric experts. To make these examinations will require additional outside medical service and the provision of the requisite apparatus. We recommend that the Legislature appropriate for this purpose the sum of \$5,000. The result of this examination will be used as the basis of future recommendation.

Second: That there should be a segregation of the prisoners as promptly as possible, based upon the results disclosed by such examination. The regulations with reference to quarantining prisoners should be altered in such respect as to prevent incarceration of a prisoner in confinement without opportunity for exercise for fourteen days merely because he is in quarantine.

Third: That the vacant ground between the prison building and the canal, lying just south of the Warden's house, be utilized as a field for physical exercise in the open air; that a reinforced concrete wall be placed about such ground, utilizing prisoners in the labor connected with the erection thereof; and that there be appropriated for the materials and supervision in connection with the building of said wall and the fitting of said field the sum of \$5,000.

Fourth: That Wing 3, which is now unused, be changed into a dining hall, and that a story be added to furnish an assembly room, the present chapel being entirely inadequate, to be used either for religious services, for school purposes or for such

other purposes for which an assembly room may be required; that the work on this alteration be done by the labor of the prisoners; and that to cover materials and supervision an appropriation of \$30,000 be made.

Fifth: That a prison school system be at once organized with the advice of the State Board of Education, as required by law. So far as possible prisoners themselves should be used as teachers in this school and emphasis should be laid upon teaching foreigners the English language. For the purpose of improving the school facilities, including the acquisition of textbooks, the sum of \$1,500 should be appropriated.

Sixth: That those men who are physically able and whose previous record and conduct in prison warrant the transfer should be placed at work on the Prison Farm at Leesburg or in one of the road camps, provided there are facilities at the farm or in the road camps to receive them. To the end that the facilities for outdoor work be increased as soon as possible, an appropriation of \$1,500 should be made for increase of road camp equipment.

Seventh: The dungeons should be bricked up, and the law with reference to the number of prisoners in a cell should be observed.

Eighth: So soon as possible a careful system of arranging the prisoners in grades based upon their conduct and their work should be devised. This system, in our opinion, should carry with it rewards, the deprivation of which should be an essential element in the administration of punishment. It would be advantageous if transfers to the Prison Farm and the road camps should be made a reward for conduct within the prison walls. In order to accomplish this the work on the farm and the roads should be accompanied by privileges, including perhaps the payment of a better wage than that in the prison, so as to make it in a proper sense a promotion.

Ninth: That a covered way to the bath house be built so as to permit the use of the bath house at all times during the year. We recommend that the work on this construction be done by the labor of the prisoners, and that to cover materials and supervision, an appropriation of \$1,000 be made.

It will be noted that the foregoing recommendations call for appropriations in an aggregate amount of \$44,000. The Commission has sought the advice of experts, including the State Architect, in estimating the amount of money required to carry out those recommendations which call for appropriations. At the same time it must be recognized that in any work where a large element is the labor of prisoners there is an opportunity for considerable difference in estimates of cost. If practicable, we recommend the appropriation of a lump amount for the purpose of improving conditions in the State Prison at Trenton, the money to be expended under the joint direction of the Governor, the Board of Prison Inspectors and the Chairman of this Commission.

We have considered the question of removing women from the State Prison to the Reformatory for Women at Clinton, but are not yet prepared to make any recommendation with reference thereto. It would be desirable in many ways if there could be accorded to the women in the State Prison that opportunity for reclamation which has been so successfully applied in the management of the Reformatory at Clinton. The introduction, however, of these women to the Clinton Farm cannot possibly be made until adequate provision is made at the farm to receive them. We have conferred with some members of the Board of Clinton Farm, and they have expressed a willingness, if proper provision be made by the Legislature, to undertake the work. We should hope to make a definite recommendation with reference to this problem as a result of further study.

The Joint Resolution specifically calls for an investigation of the "State Use System" and the employment of prisoners on roads, prison farms or in any other capacities. Briefly, the situation is as follows:

Prior to 1911 the governing board of the State Prison was permitted to make contracts with private contractors for the use of prison labor, the contractor paying an agreed price for a unit of labor time and furnishing the material and machines; the State furnishing space within the prison walls in which the work was carried on and also light and power, and also retaining the

discipline over the prisoners. In 1911 the Legislature passed a law abolishing this system and establishing in its place what is known as the "State Use System." By this was meant the prisoner under direct prison management should work upon goods which should be used by the inmates of the institution itself or the inmates of other institutions, or upon the public work of the State. The Legislature, however, provided in 1913 that the existing contracts could be continued until the prisoners could be found employment under the State Use System. From that time the five contracts now in force have been continued, and approximately five hundred men are now employed under the contract system with the right of the State to terminate the contracts at will. At the present time there are employed under the State Use System about one hundred and twelve prisoners at the Leesburg Farm, about forty prisoners at Road Camp No. 1, about forty prisoners at Road Camp No. 2, and about twenty-three prisoners at Road Camp No. 3. Within the prison walls, however, there are employed on State Use work at the present time only five prisoners. These five men are employed in the knitting plant, which is running short-handed because of a surplus of finished material on hand. Its full capacity is about thirty-five men.

The following table is presented by the present Warden, as showing the present prison population and its arrangement for occupational purposes:

Required for operation of the Prison,	296
Not available for physical work on account of mental or physical incapacity,	90
Not available for outside work on account of character or criminal record,	520
Nurses and sick in hospital,	35
Women,	16
Now available for outside work,	288
Total in Prison,	949
Total now in Road Camps and on Prison Farm,	215
Grand total,	1,164

We venture no opinion at this time upon what is confessedly the almost complete failure of the State Use System within the Trenton prison walls. The careful analysis of all those lines of work upon which prison labor could be utilized for the State will entail a complete survey of not only the road situation in New Jersey and the reclamation of swamp lands, but also the inter-relation of the various institutions of the State, the relation of prison labor to county and other local institutions, including the public schools. An inquiry accurate enough to warrant legislative action cannot, in our opinion, be completed before the time when the present session of the Legislature would normally terminate. All the evidence presented to us is to the effect that it would be detrimental to the welfare of the prisoners should contract labor be terminated, until provision is made for the employment of the men so released. The testimony of the Farm Superintendent is to the effect that about three hundred men can be utilized to advantage on the Prison Farm at Leesburg, where one hundred and twelve men are now employed and additional accommodations for about one hundred more are nearing completion. The additional accommodations required to provide for the full efficient complement on this farm should be provided as rapidly as possible, and as soon as the accommodations now under construction are completed the additional number of men should be detailed to the Prison Farm and contract labor in the State Prison immediately diminished to a proportionate extent. About one hundred additional men can be accommodated in road work by the provision of additional facilities in the road camps which, the Commission is informed, can be furnished within ten days or two weeks after the requisite appropriation of \$1,500 is provided. The use of prison labor upon the various works suggested by this report in and about the State Prison will occupy the labor of a considerable number of prisoners, and this work, together with the possibilities of outside work on the farm and road camps, should be given immediate preference over contract work within the State Prison. In the meantime, the Prison Labor Commission and the Board of Prison Inspectors should diligently co-operate to select and install, with the funds avail-

able, additional branches of State Use work, in order that permanent provision for prison labor, so far as possible, be ready to absorb the time and labor of those individuals who cannot be sent to the farm or the road camps or used in the operation of the prison system. The installation of a plant for the manufacture of automobile tags has been suggested, but the determination of this or any other State Use work seems to be now peculiarly the function of the Prison Labor Commission.

The law and the practice with reference to the pardoning and paroling of prisoners also demands careful study and attention. With the introduction into the laws of New Jersey in 1911 of the indeterminate sentence, it became possible for the Board of Inspectors of the prison to release prisoners upon parole, apparently no adequate provision being made at that time for a sufficient number of parole officers to enable them effectually to exercise their powers. At the same time the pardoning power remains with the Court of Pardons.

Finally, your Commission feels that the fundamental problem in connection with the prison and other penal and correctional institutions is to determine the point of view which the State and its agents are to assume toward those confined in correctional institutions. The first consideration in any system of penology would seem to be clearly the protection of society, but protection of society means not only the temporary withdrawal from society of those who have broken its laws, but the preparation, so far as possible, of the withdrawn members for a position in society when they return to it. To this end every practical measure should be adopted to insure the maintenance of high standards of health and physical development. Prisoners who are diseased should be given a chance for restoration to health. The well should not have their health hazarded by being forced to submit to the danger of contagious or infectious disease. So far as possible systematic school and vocational courses should be conducted, and wherever practical prisoners should be trained in occupations which will enable them to become self-supporting on their discharge. While the State should be relieved as far

as practicable from the burden of maintaining the prisoners, and to this end the profitable employment of the prisoner is desirable, we believe that greater stress should be placed upon the future advantage to society of having the prisoner leave the institution strong in health, capacity and character than upon any temporary profit which can be secured from the use of his time while in prison. The improvement of the prisoner in character and capacity depends not alone upon the physical conditions that surround him, but primarily upon his own will to improve. The creation or inducement of this will to improve must always be one of the most important tasks of the Warden and his helpers. It involves a co-operation in aim between the prison authorities and the prisoners.

While it is not difficult to lay down these general principles it is most difficult to apply them in practice to a number of institutions, all of which have existing plants, and managements already provided by law. To recommend changes in method of management without the most careful examination of the existing laws, of the conditions which brought about those laws, of the reforms desired to be effected, and the reasons the expected reforms have not been attained, would be to invite disaster. We, therefore, recommend that if the Honorable Senate and House of Assembly desire the Commission to make a comprehensive report upon the penal and correctional institutions of the State, that the Commission be asked to report on or before the first day of January, 1918, that its powers be continued until that date, and that an appropriation be made in such amount as the Honorable Senate and House of Assembly deem proper to enable the Commission to properly carry on its work.

For the guidance of the Honorable Senate and House of Assembly, the Commission would state that its expenses to date have been \$500, being the amount paid for counsel fees, the expense of a secretary being saved by the Governor's kindness in permitting the Commission to use his assistant secretary, and the personal expenses of the members of the Commission in their trips to Trenton having been borne by themselves.

PRISON INQUIRY COMMISSION.

Of the original appropriation of \$3,000, there is, therefore, unexpended the sum of \$2,500.

Respectfully submitted,

WILLIAM B. DICKSON,
SEYMOUR L. CROMWELL,
HENRY F. HILFERS,
DWIGHT W. MORROW,
JOHN P. MURRAY.

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